

Calendar No. 955

99TH CONGRESS
2D SESSION**S. 2209****[Report No. 99-466]**

To make permanent and improve the provisions of section 1619 of the Social Security Act, which authorizes the continued payment of SSI benefits to individuals who work despite severe medical impairment; to amend such Act to require concurrent notification of eligibility for SSI and medicaid benefits and notification to certain disabled SSI recipients of their potential eligibility for benefits under such section 1619; to provide for a GAO study of the effects of such section's work incentive provisions; and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 19 (legislative day, MARCH 18), 1986

Mr. DOLE (for himself, Mr. DOMENICI, Mr. PRYOR, Mr. SIMON, Mr. STAFFORD, Mr. HATCH, Mr. DURENBERGER, Mr. BRADLEY, Mr. BENTSEN, Mr. HEINZ, Mr. WEICKER, Mr. ROTH, Mr. CHAFEE, Mr. COHEN, Mr. MITCHELL, Mr. RIEGLE, Mr. COCHRAN, Mr. WILSON, Mr. ANDREWS, Mr. HATFIELD, Mr. BURDICK, Mr. BAUCUS, Mr. STENNIS, Mr. LEAHY, Mr. LEVIN, Mr. INOUE, Mrs. KASSEBAUM, Mr. HOLLINGS, Mr. KERRY, Mr. BINGAMAN, Mr. THURMOND, Mr. KENNEDY, Mr. NICKLES, Mr. MATSUNAGA, Mr. MOYNIHAN, Mr. GORTON, Mr. ROCKEFELLER, Mr. DANFORTH, and Mr. DENTON) introduced the following bill; which was read twice and referred to the Committee on Finance

SEPTEMBER 22 (legislative day, SEPTEMBER 15), 1986

Reported by Mr. PACKWOOD, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To make permanent and improve the provisions of section 1619 of the Social Security Act, which authorizes the continued

payment of SSI benefits to individuals who work despite severe medical impairment; to amend such Act to require concurrent notification of eligibility for SSI and medicaid benefits and notification to certain disabled SSI recipients of their potential eligibility for benefits under such section 1619; to provide for a GAO study of the effects of such section's work incentive provisions; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*
 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Employment Opportuni-
 5 ties for Disabled Americans Act”.

6 **SEC. 2. PERMANENT AUTHORIZATION OF PROGRAM OF BENE-**
 7 **FITS UNDER SECTION 1619.**

8 Section 201(d) of the Social Security Disability Amend-
 9 ments of 1980 (42 U.S.C. 1382h note) is amended by strik-
 10 ing out “, but shall remain in effect only through June 30,
 11 1987”.

12 **SEC. 3. ELIGIBILITY OF CERTAIN DISABLED INDIVIDUALS**
 13 **FOR BENEFITS DURING INITIAL TWO MONTHS**
 14 **IN PUBLIC INSTITUTION.**

15 Section 1611(e)(1) of the Social Security Act (42 U.S.C.
 16 1382(e)(1)) is amended—

17 (1) in subparagraph (A) by striking out “and (D)”
 18 and inserting in lieu thereof “(D), and (E)(i)”; and

19 (2) in subparagraph (B) by inserting “(subject to
 20 subparagraph (E)(ii))” after “shall be payable”; and

1 (3) by adding at the end thereof the following new
2 subparagraph:

3 “(E)(i) Notwithstanding subparagraph (A), any individ-
4 ual who—

5 “(I) is an inmate of a public institution throughout
6 any month as described in subparagraph (A),

7 “(II) was eligible under section 1619 (a) or (b) for
8 the month preceding such month, and

9 “(III) has not been an eligible individual or eligi-
10 ble spouse by reason of this subparagraph for any
11 month during the 24-month period ending with (and in-
12 cluding) such preceding month,

13 may be an eligible individual or eligible spouse for purposes
14 of this title (and entitled to a benefit determined on the basis
15 of the rate applicable under subsection (b)) for the month re-
16 ferred to in subclause (I) and, if such subclause still applies,
17 for the succeeding month.

18 “(ii) Notwithstanding subparagraph (B), any eligible in-
19 dividual or eligible spouse who—

20 “(I) is in a hospital, extended care facility, nurs-
21 ing home, or intermediate care facility throughout any
22 month as described in subparagraph (B),

23 “(II) was eligible under section 1619 (a) or (b) for
24 the month preceding such month, and

1 “(III) has not had his or her benefit determined
 2 on the basis of the rate applicable under subsection (b)
 3 while in such a hospital, home, or facility, by reason of
 4 this subparagraph, for any month during the 24-month
 5 period ending with (and including) such preceding
 6 month,
 7 shall have such benefit determined on the basis of the rate
 8 applicable under subsection (b) for the month referred to in
 9 subclause (I) and, if such subclause still applies, for the suc-
 10 ceeding month.”.

11 **SEC. 4. IMPROVEMENTS TO SECTION 1619 PROGRAM.**

12 (a) **CONDITIONS FOR CONTINUATION OF MEDICAID**
 13 **COVERAGE.**—Section 1619(b) of the Social Security Act is
 14 amended—

15 (1) by striking out “title XIX” in paragraph (3)
 16 and inserting in lieu thereof “title XIX or XX”; and
 17 (2) by striking out “title XIX” in paragraph (4)
 18 and inserting in lieu thereof “titles XIX and XX”.

19 (b) **DESIGNATION OF SECTION 1619 SPECIALIST.**—
 20 Section 1619(e) of such Act is amended by striking out “and
 21 shall conduct such programs for the staffs of the district of-
 22 fices of the Social Security Administration” and inserting in
 23 lieu thereof “, shall conduct such programs for the staffs of
 24 the district offices of the Social Security Administration, and
 25 shall require each such office with a sufficient number of staff

1 personnel to designate a staff member to specialize in the
2 implementation of the provisions of this section”.

3 (c) BENEFITS FOR INDIVIDUALS WITH INCOME OF AN
4 UNUSUAL AND INFREQUENT NATURE.—Section 1619 of
5 such Act is further amended by adding at the end thereof the
6 following new subsection:

7 “(d)(1) For purposes of subsection (a), an individual who
8 was not eligible to receive a benefit under section 1611(b) or
9 under this section for the month preceding the month for
10 which eligibility for benefits under this section is now being
11 determined shall nevertheless be deemed to have been eligi-
12 ble to receive a benefit under section 1611(b) or under this
13 section for that month if—

14 “(A) the individual was ineligible to receive such
15 a benefit for that month, or for that month and one or
16 more additional months (in a period of consecutive
17 months) immediately preceding that month, solely be-
18 cause the individual had received income of an unusual
19 and infrequent or irregular nature (as defined by the
20 Secretary for purposes of this subsection), but

21 “(B) the individual received such a benefit for the
22 month preceding the first month of such ineligibility.

23 “(2)(A) For purposes of subsection (b), an individual
24 who did not receive any payment described in clause (i), (ii),
25 (iii), or (iv) of such subsection for the month preceding the

1 first month in the period to which such subsection applies
2 shall nevertheless be deemed to have received such a pay-
3 ment for the month preceding the first month in such period
4 if—

5 “(i) the individual was ineligible to receive such a
6 payment for that month, or for that month and one or
7 more additional months (in a period of consecutive
8 months) immediately preceding that month, solely be-
9 cause the individual had received income of an unusual
10 and infrequent or irregular nature (as so defined), but

11 “(ii) the individual received such a payment for
12 the month preceding the first month of such ineligi-
13 bility.

14 “(B) In determining under subsection (b)(4) whether or
15 not an individual's earnings are sufficient to allow the indi-
16 vidual to provide a reasonable equivalent of the benefits
17 under this title and titles XIX and XX which would be avail-
18 able to the individual in the absence of such earnings, there
19 shall be excluded from such earnings an amount equal to the
20 sum of any amounts which are or would be excluded under
21 clauses (ii) and (iv) of section 1612(b)(4)(B) (or under clause
22 (iii) of section 1612(b)(4)(A)) in determining his income.

23 “(C) Determinations made under subsection (b)(4) shall
24 be based on information and data updated no less frequently
25 than annually.”

1 **SEC. 5. NOTIFICATIONS TO APPLICANTS AND RECIPIENTS.**

2 Section 1631 of the Social Security Act is amended by
3 adding at the end thereof the following new subsection:

4 “Notifications to Applicants and Recipients

5 “(j)(1) The Secretary shall establish and implement pro-
6 cedures to ensure that, whenever an individual is formally
7 notified of his or her eligibility for benefits under this title,
8 such individual is concurrently notified of the medical assist-
9 ance which is available to such individual under the applica-
10 ble State plan approved under title XIX.

11 “(2) The Secretary shall automatically notify any indi-
12 vidual receiving benefits under section 1611 on the basis of
13 disability of his or her potential eligibility for benefits under
14 section 1619 (and for continuing benefits under title XIX
15 pursuant to section 1619(b))—

16 “(A) at the time of the initial award of such bene-
17 fits (or within 90 days after the date of the enactment
18 of this subsection in the case of an individual who (i) is
19 already receiving benefits under section 1611 on that
20 date, or (ii) first becomes eligible for such benefits
21 within such 90-day period); and

22 “(B) at the earliest subsequent time when such in-
23 dividual’s earned income for any month (other than
24 income excluded pursuant to section 1612(b)) is \$200
25 or more, and periodically thereafter so long as such in-

1 dividual has earned income (other than income so ex-
2 cluded) of \$200 or more per month.”.

3 **SEC. 6. GENERAL ACCOUNTING OFFICE STUDY.**

4 (a) **REPORT REQUIRED.**—The Comptroller General of
5 the United States shall conduct a study of the operation of
6 section 1619 of the Social Security Act, with the particular
7 objective of evaluating the work incentive provisions of such
8 section and determining—

9 (1) the extent to which such section is utilized by
10 individuals who work despite severe medical impair-
11 ment, and the extent to which the provision of such
12 benefits contributes to the accomplishment of the pur-
13 poses of the supplemental security income program;
14 and

15 (2) the effects and effectiveness of the dissemina-
16 tion, training, and related programs and activities
17 which are conducted in connection with the provision
18 of benefits under such section.

19 (b) **DETERMINATIONS.**—In carrying out the study
20 under subsection (a)(1), the Comptroller General shall deter-
21 mine (for individuals from each State, and for each of the
22 calendar years 1987, 1988, and 1989, separately
23 specified)—

24 (1) the number of individuals who receive benefits
25 under section 1619 of the Social Security Act;

(2) the number of individuals receiving benefits under such section who become ineligible for such benefits due to their income;

(3)(A) the number of individuals receiving benefits under such section who become ineligible for such benefits for reasons other than their income, and (B) the reasons for such ineligibility;

(4) the number of individuals who are notified (under section 1631(j)(2) of the Social Security Act or otherwise) of their eligibility or potential eligibility for benefits under such section;

(5)(A) the number of individuals so notified who decline to apply for or receive benefits under such section, and (B) their reasons for declining such benefits;

(6) with respect to the individuals receiving benefits under such section who engage in substantial gainful activity and as a result become ineligible for such benefits or have such benefits reduced, the amount or rate of their countable earned income before beginning to receive such benefits as compared to the amount or rate of their countable earned income after becoming ineligible or having such benefits reduced;

(7) the Federal and State costs incurred in the provision of medical assistance (under the State plan approved under title XIX) to individuals receiving ben-

1 efits under such section 1619 as compared to the cor-
2 responding costs incurred in the provision of such as-
3 sistance to other individuals receiving benefits under
4 this title, stated both in the aggregate and on an aver-
5 age per capita basis;

6 (8) the role of State vocational rehabilitation
7 agencies in the implementation of such provisions;

8 (9) the potential role of nonprofit and private re-
9 habilitation agencies in the implementation of such pro-
10 visions; and

11 (10) the estimated costs or savings to the Federal
12 Government which are attributable to such provisions.

13 The figures determined under paragraphs (1) through (6)
14 shall be broken down so as to show the type of disability,
15 age, previous work history, and sex of the individuals in-
16 volved.

17 (c) INFORMATION AND DATA.—The Secretary of
18 Health and Human Services shall make available upon re-
19 quest to the Comptroller General, for purposes of this sec-
20 tion, any information and data which has been developed or
21 collected by the Secretary in the conduct of studies having
22 objectives similar or related to the objective specified in sub-
23 section (a) and involving items or matters similar or related
24 to those set forth in subsection (b).

1 (d) DATE OF SUBMISSION.—The Comptroller General
 2 shall submit to the Congress, on or before October 1, 1990, a
 3 full report of the findings made in the study conducted under
 4 subsection (a).

5 SEC. 7. LOSS OF SSI BENEFITS UPON ENTITLEMENT TO
 6 CHILD'S INSURANCE BENEFITS BASED ON DIS-
 7 ABILITY.

8 Section 1634 of the Social Security Act is amended—

9 (1) by inserting “(a)” after “SEC. 1634.”; and

10 (2) by adding at the end thereof the following new
 11 subsection:

12 “(b) If any individual who has attained the age of 18
 13 and is receiving benefits under this title on the basis of a
 14 disability which began before he or she attained the age
 15 of 22—

16 “(1) becomes entitled, on or after the date of the
 17 enactment of this subsection, to child's insurance bene-
 18 fits which are payable under section 202(d) on the
 19 basis of such disability or to an increase in the amount
 20 of the child's insurance benefits which are so payable,
 21 and

22 “(2) ceases to be eligible for benefits under this
 23 title because of such child's insurance benefits or be-
 24 cause of the increase in such child's insurance benefits,

1 such individual shall be treated for purposes of title XIX as
 2 continuing to receive benefits under this title so long as he or
 3 she would be eligible for benefits under this title in the ab-
 4 sence of such child's insurance benefits or such increase."

5 **SEC. 8. DEMONSTRATION PROJECTS INVOLVING THE DISABIL-**
 6 **ITY INSURANCE AND SSI PROGRAMS.**

7 (a) **WAIVER AUTHORITY UNDER TITLES II AND**
 8 **XVIII.—**

9 (1) Section 505(a)(3) of the Social Security Dis-
 10 ability Amendments of 1980 (42 U.S.C. 1310 note) is
 11 amended by inserting "which is initiated before June
 12 10, 1991" after "demonstration project under para-
 13 graph (1)".

14 (2) Section 505(a)(4) of such Amendments is
 15 amended to read as follows:

16 "(4) On or before June 9 in each of the years 1987,
 17 1988, 1989, and 1990, the Secretary shall submit to the
 18 Congress an interim report on the progress of the experi-
 19 ments and demonstration projects carried out under this sub-
 20 section together with any related data and materials which
 21 the Secretary may consider appropriate."

22 (3) Section 505(e) of such Amendments is amend-
 23 ed by striking out "under this section no later than five
 24 years after the date of the enactment of this Act" and

1 inserting in lieu thereof “under subsection (a) no later
2 than June 9, 1991”.

3 (b) ~~WAIVER AUTHORITY UNDER TITLE XVI.~~—

4 (1) Section 1110(b)(2) (42 U.S.C. 1310(b)(2)) of
5 the Social Security Act is amended—

6 (A) by striking out “and” at the end of sub-
7 paragraph (C);

8 (B) by striking out the period at the end of
9 subparagraph (D) and inserting in lieu thereof “;
10 and”; and

11 (C) by adding at the end thereof the follow-
12 ing new subparagraph:

13 “(E) the Secretary shall include in the
14 projects carried out under this subsection experi-
15 mental, pilot, or demonstration projects to deter-
16 mine the relative advantages and disadvantages of
17 various work incentive programs with respect to
18 the rehabilitation and employment of recipients of
19 such benefits.”.

20 (2) Section 1110(b) of the Act is amended by
21 adding at the end thereof the following new paragraph:

22 “(3) All reports of the Secretary with respect to projects
23 carried out under this subsection shall be incorporated into
24 the Secretary’s annual report to the Congress required by
25 section 704.”.

1 **SEC. 9. EFFECTIVE DATE.**

2 The amendments made by this Act shall take effect on
3 the date of the enactment of this Act.

4 **SECTION 1. SHORT TITLE.**

5 This Act may be cited as the “Employment Opportuni-
6 ties for Disabled Americans Act”.

7 **SEC. 2. PERMANENT AUTHORIZATION OF PROGRAM OF BENE-**
8 **FITS UNDER SECTION 1619.**

9 Section 201(d) of the Social Security Disability
10 Amendments of 1980 (42 U.S.C. 1382h note) is amended by
11 striking out “, but shall remain in effect only through
12 June 30, 1987”.

13 **SEC. 3. ELIGIBILITY OF CERTAIN DISABLED OR BLIND INDIVID-**
14 **UALS FOR BENEFITS DURING INITIAL TWO**
15 **MONTHS IN CERTAIN INSTITUTIONS.**

16 (a) *IN GENERAL.*—Section 1611(e)(1) of the Social
17 Security Act (42 U.S.C. 1382(e)(1)) is amended—

18 (1) in subparagraph (A) by striking out “and
19 (D)” and inserting in lieu thereof “(D), and (E)”; and

20 (2) in subparagraph (B) by inserting “(subject to
21 subparagraph (E))” after “shall be payable”; and

22 (3) by adding at the end thereof the following new
23 subparagraphs:

24 “(E) Notwithstanding subparagraphs (A) and (B), any
25 individual who—

1 “(i)(I) is an inmate of a public institution, the
2 primary purpose of which is the provision of medical
3 or psychiatric care, throughout any month as described
4 in subparagraph (A), or

5 “(II) is in a hospital, extended care facility,
6 nursing home, or intermediate care facility throughout
7 any month as described in subparagraph (B),

8 “(ii) was eligible under section 1619 (a) or (b) for
9 the month preceding such month, and

10 “(iii) under an agreement of the public institution
11 or the hospital, extended care facility, nursing home, or
12 intermediate care facility is permitted to retain any
13 benefit payable by reason of this subparagraph,
14 may be an eligible individual or eligible spouse for purposes
15 of this title (and entitled to a benefit determined on the basis
16 of the rate applicable under subsection (b)) for the month re-
17 ferred to in subclause (I) or (II) of clause (i) and, if such
18 subclause still applies, for the succeeding month.

19 “(F) An individual who is an eligible individual or an
20 eligible spouse for a month by reason of subparagraph (E)
21 shall not be treated as being eligible under section 1619 (a)
22 or (b) for such month for purposes of clause (ii) of such
23 subparagraph.”.

1 (b) *MEDICAID STATE PLAN REQUIREMENT.*—Section
 2 1902 of the Social Security Act (42 U.S.C. 1396a) is
 3 amended by adding at the end the following new subsection:

4 “(l) Notwithstanding any provision of subsection (a) to
 5 the contrary, a State plan under this title shall provide that
 6 any supplemental security income benefits paid by reason of
 7 section 1611(e)(1)(E) to an individual who—

8 “(1) is eligible for medical assistance under the
 9 plan, and

10 “(2) is in a hospital, skilled nursing facility, or
 11 intermediate care facility at the time such benefits are
 12 paid,

13 will be disregarded for purposes of determining the amount of
 14 any post-eligibility contribution by the individual to the cost
 15 of the care and services provided by the hospital, skilled nurs-
 16 ing facility, or intermediate care facility.”.

17 **SEC. 4. IMPROVEMENTS TO SECTION 1619 PROGRAM.**

18 (a) *CASH BENEFITS.*—Section 1619(a) of the Social
 19 Security Act (42 U.S.C. 1382h(a)) is amended to read as
 20 follows:

21 “(a)(1) Any individual who was determined to be an
 22 eligible individual (or eligible spouse) by reason of being
 23 under a disability and was eligible to receive benefits under
 24 section 1611 (or a federally administered State supplementa-
 25 ry payment) for a month and whose earnings in a subsequent

1 month exceed the amount designated by the Secretary ordi-
2 narily to represent substantial gainful activity shall qualify
3 for a monthly benefit under this subsection for such subse-
4 quent month (which shall be in lieu of any benefit under
5 section 1611) equal to an amount determined under section
6 1611(b)(1) (or, in the case of an individual who has an eligi-
7 ble spouse, under section 1611(b)(2)), and for purposes of
8 title XIX shall be considered to be receiving supplemental
9 security income benefits under this title, for so long as—

10 “(A) such individual continues to have the dis-
11 abling physical or mental impairment on the basis of
12 which such individual was found to be under a disabili-
13 ty; and

14 “(B) the income of such individual, other than
15 income excluded pursuant to section 1612(b), is not
16 equal to or in excess of the amount which would cause
17 him to be ineligible for payments under section 1611
18 and such individual meets all other non-disability-re-
19 lated requirements for eligibility for benefits under this
20 title.

21 “(2) The Secretary shall make a determination under
22 paragraph (1)(A) with respect to an individual not later than
23 12 months after the first month for which the individual
24 qualifies for a benefit under this subsection.”.

1 (b) *CONTINUING BENEFITS UNDER TITLE XIX.*—

2 *Section 1619(b) of such Act is amended—*

3 (1) *in paragraph (1) by striking out “continues to*
4 *meet” and inserting in lieu thereof “meets”,*

5 (2) *in paragraph (4) by striking out “benefits*
6 *under this title and title XIX” and inserting in lieu*
7 *thereof “benefits under this title (including any feder-*
8 *ally administered State supplementary payments), ben-*
9 *efits under title XIX, and publicly funded attendant*
10 *care services (including personal care assistance),”.*

11 (3) *by redesignating paragraphs (1) through (4)*
12 *as subparagraphs (A) through (D), respectively,*

13 (4) *by striking out the matter preceding subpara-*
14 *graph (A) (as redesignated by paragraph (3)) and in-*
15 *serting in lieu thereof the following:*

16 “(b)(1) *For purposes of title XIX, any individual under*
17 *age 65 who was determined to be a blind or disabled individ-*
18 *ual eligible to receive a benefit under section 1611 or any*
19 *federally administered State supplementary payment for a*
20 *month and who in a subsequent month is ineligible for bene-*
21 *fits under this title (and for any federally administered State*
22 *supplementary payments) because of his or her income shall,*
23 *nevertheless, be considered to be receiving supplemental secu-*
24 *rity income benefits for such subsequent month provided that*
25 *the Secretary determines under regulations that—”, and*

1 (5) by adding at the end thereof (after and below
2 subparagraph (D), as so redesignated) the following
3 new paragraphs:

4 “(2)(A) Determinations made under paragraph (1)(D)
5 shall be based on information and data updated no less fre-
6 quently than annually.”

7 “(B) In determining an individual’s earnings for pur-
8 poses of paragraph (1)(D), there shall be excluded from such
9 earnings an amount equal to the sum of any amounts which
10 are or would be excluded under clauses (ii) and (iv) of section
11 1612(b)(4)(B) (or under clauses (ii) and (iii) of section
12 1612(b)(4)(A)) in determining his or her income.”.

13 (c) REVIEW PROCESS FOR CERTAIN INDIVIDUALS.—

14 (1) *Section 1631 of such Act (42 U.S.C. 1383)*
15 *is amended—*

16 (A) in subsection (e)(1)(A) by striking out
17 “subparagraph (B)” and inserting in lieu thereof
18 “subparagraph (B) and subsection (j)”, and

(B) by adding at the end thereof the following new subsection:

21 *“Application and Review Requirements for Certain*
22 *Individuals*

23 “(j)(1) Notwithstanding any provision of section 1611
24 or 1619, any individual who—

1 “(A) was an eligible individual (or eligible
2 spouse) under section 1611 or was eligible for benefits
3 under or pursuant to section 1619, and

4 “(B) who, after such eligibility, is ineligible for
5 benefits under or pursuant to both such sections for a
6 period of 12 consecutive months,
7 may not thereafter become eligible for benefits under or pur-
8 suant to either such section until the individual has reapplied
9 for benefits under section 1611 and been determined to be
10 eligible for benefits under such section.

11 “(2)(A) Notwithstanding any provision of section 1611
12 or section 1619, any individual who was eligible for benefits
13 pursuant to section 1619(b), and who—

14 “(i)(I) on the basis of the same impairment on
15 which his or her eligibility under such section 1619(b)
16 was based becomes eligible for benefits under section
17 1611 or 1619(a) for a month that follows a period
18 during which the individual was ineligible for benefits
19 under sections 1611 and 1619(a), and

20 “(II) has earned income (other than income ex-
21 cluded pursuant to section 1612(b)) for any month in
22 the 12-month period preceding such month that is
23 equal to or in excess of the amount that would cause
24 him or her to be ineligible for payments under section

1 1611(b) for that month (if he or she were otherwise eli-
2 gible for such payments); or

3 “(ii)(I) on the basis of the same impairment on
4 which his or her eligibility under such section 1619(b)
5 was based becomes eligible under section 1619(b) for a
6 month that follows a period during which the individ-
7 ual was ineligible under section 1611 and section
8 1619, and

9 “(II) has earned income (other than income ex-
10 cluded pursuant to section 1612(b)) for such month or
11 for any month in the 12-month period preceding such
12 month that is equal to or in excess of the amount that
13 would cause him or her to be ineligible for payments
14 under section 1611(b) for that month (if he or she were
15 otherwise eligible for such payments);

16 shall, upon becoming eligible (as described in clause (i)(I) or
17 (ii)(I)), be subject to a prompt review of the type described in
18 section 1614(a)(5).

19 “(B) If the Secretary determines pursuant to a review
20 required by subparagraph (A) that the impairment upon
21 which the eligibility of an individual is based has ceased,
22 does not exist, or is not disabling, such individual may not
23 thereafter become eligible for a benefit under or pursuant to
24 section 1611 or section 1619 until the individual has reap-

1 *plied for benefits under section 1611 and been determined to*
 2 *be eligible for benefits under such section.”.*

3 (2) *Section 1619 of such Act (as amended by*
 4 *subsections (a) and (b) of this section) is further*
 5 *amended—*

6 (A) *in subsection (a) by striking out “Any*
 7 *individual” and inserting in lieu thereof “Except*
 8 *as provided in section 1631(j), any individual”,*
 9 *and*

10 (B) *in subsection (b) by striking out “For*
 11 *purposes of” and inserting in lieu thereof “Except*
 12 *as provided in section 1631(j), for purposes of”.*

13 (3) *Section 1611 of such Act (42 U.S.C. 1382)*
 14 *is amended by adding at the end thereof the following*
 15 *new subsection:*

16 “ *Application and Review Requirements for Certain*
 17 *Individuals*

18 “(i) *For application and review requirements affecting*
 19 *the eligibility of certain individuals, see section 1631(j).”.*

20 (d) *CONFORMING AMENDMENTS.—*

21 (1) *Section 1611(e) of such Act (42 U.S.C.*
 22 *1382(e)) is amended by striking out paragraph (4).*

23 (2) *Section 1614(a)(3) of such Act (42 U.S.C.*
 24 *1382c(a)(3)) is amended—*

1 (A) in subparagraph (D) by striking out
2 “, except for purposes of subparagraph (F) or
3 paragraph (4),”, and

4 (B) by striking out subparagraph (F), and
5 by redesignating subparagraphs (G) and (H) as
6 subparagraphs (F) and (G), respectively.

7 (3)(A) Section 1614(a) of such Act (as amended
8 by paragraph (2)) is further amended by striking out
9 paragraph (4) and by redesignating paragraph (5) as
10 paragraph (4).

11 (B) Section 1631(j)(2)(A) of such Act (as added
12 by subsection (c)) is amended by striking out “section
13 1614(a)(5)” and inserting in lieu thereof “section
14 1614(a)(4)”.

15 **SEC. 5. NOTIFICATIONS TO APPLICANTS AND RECIPIENTS.**

16 Section 1631 of the Social Security Act (42 U.S.C.
17 1383) (as amended by section 4) is further amended by
18 adding at the end thereof the following new subsection:

19 “Notifications to Applicants and Recipients

20 “(k) The Secretary shall notify an individual receiving
21 benefits under section 1611 on the basis of disability or
22 blindness of his or her potential eligibility for benefits under
23 or pursuant to section 1619—

24 “(1) at the time of the initial award of benefits to
25 the individual under section 1611 (if the individual

1 *has attained the age of 18 at the time of such initial*
 2 *award), and*

3 *“(2) at the earliest time after an initial award of*
 4 *benefits to an individual under section 1611 that the*
 5 *individual’s earned income for a month (other than*
 6 *income excluded pursuant to section 1612(b)) is \$200*
 7 *or more, and periodically thereafter so long as such in-*
 8 *dividual has earned income (other than income so ex-*
 9 *cluded) of \$200 or more per month.”.*

10 **SEC. 6. LOSS OF SSI BENEFITS UPON ENTITLEMENT TO CHILD’S**
 11 **INSURANCE BENEFITS BASED ON DISABILITY.**

12 *(a) IN GENERAL.—Section 1634 of the Social Securi-*
 13 *ty Act (42 U.S.C. 1383c) is amended by adding at the end*
 14 *thereof the following new subsection:*

15 *“(c) If any individual who has attained the age of 18*
 16 *and is receiving benefits under this title on the basis of blind-*
 17 *ness or a disability which began before he or she attained the*
 18 *age of 22—*

19 *“(1) becomes entitled, on or after the effective date*
 20 *of this subsection, to child’s insurance benefits which*
 21 *are payable under section 202(d) on the basis of such*
 22 *disability or to an increase in the amount of the child’s*
 23 *insurance benefits which are so payable, and*

1 “(2) ceases to be eligible for benefits under this
 2 title because of such child’s insurance benefits or be-
 3 cause of the increase in such child’s insurance benefits,
 4 such individual shall be treated for purposes of title XIX as
 5 receiving benefits under this title so long as he or she would
 6 be eligible for benefits under this title in the absence of such
 7 child’s insurance benefits or such increase.”.

8 (b) *STATE DETERMINATIONS*.—Any determination re-
 9 quired under section 1634(c) of the Social Security Act with
 10 respect to whether an individual would be eligible for benefits
 11 under title XVI of such Act in the absence of children’s bene-
 12 fits (or an increase thereof) shall be made by the appropriate
 13 State agency.

14 (c) *CONFORMING CHANGE*.—Section 1920(a)(2) of
 15 such Act (42 U.S.C. 1396s(a)(2)) is amended—

16 (1) by inserting “(A)” before “Section”, and

17 (2) by adding after and below subparagraph (A)
 18 the following new subparagraph:

19 “(B) Section 1634 of this Act (relating to individuals
 20 who lose eligibility for SSI benefits due to entitlement to
 21 child’s insurance benefits under section 202(d) of this Act).”.

22 **SEC. 7. MEDICAID ELIGIBILITY FOR CERTAIN RECIPIENTS OF**
 23 **CASH BENEFITS UNDER SECTION 1619.**

24 (a) *IN GENERAL*.—Section 1619(b) of the Social Se-
 25 curity Act (42 U.S.C. 1382h(b)) (as amended by section 4)

1 *is further amended by adding at the end thereof the following*
 2 *new paragraph:*

3 “(3) *In the case of a State that exercises the option*
 4 *under section 1902(f), any individual who—*

5 “(A)(i) *qualifies for a benefit under subsection*
 6 *(a), or*

7 “(ii) *meets the requirements of paragraph (1); and*

8 “(B) *was eligible for medical assistance under the*
 9 *State plan approved under title XIX in the month im-*
 10 *mediately preceding the first month in which the indi-*
 11 *vidual qualified for a benefit under such subsection or*
 12 *met such requirements,*

13 *shall remain eligible for medical assistance under such plan*
 14 *for so long as the individual qualifies for a benefit under*
 15 *such subsection or meets such requirements.”.*

16 (b) *CONFORMING AMENDMENT.—Section 1902(f) of*
 17 *such Act (42 U.S.C. 1396a(f)) is amended by striking out*
 18 *“subsection (e)” and inserting in lieu thereof “subsection (e)*
 19 *and section 1619(b)(3)”.*

20 **SEC. 8. EFFECTIVE DATES.**

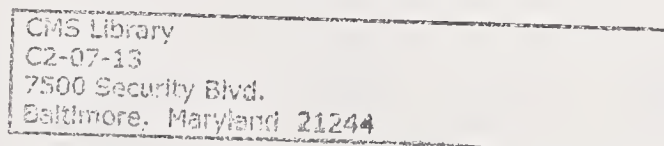
21 (a) *PERMANENT AUTHORIZATION.—The amendment*
 22 *made by section 2 shall become effective on the date of the*
 23 *enactment of this Act.*

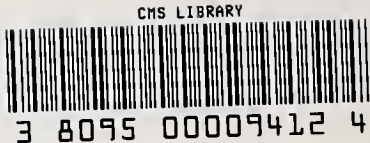
24 (b) *PROGRAM MODIFICATIONS.—*

1 (1) *Except as provided in paragraph (2), the*
2 *amendments made by sections 3, 4, 5, 6, and 7 shall*
3 *become effective on July 1, 1987.*

4 (2) *In the case of a State plan for medical assist-*
5 *ance under title XIX of the Social Security Act which*
6 *the Secretary of Health and Human Services deter-*
7 *mines requires State legislation in order for the plan to*
8 *meet the requirements imposed by the amendments*
9 *made by section 3(b) and section 7 of this Act, the*
10 *State plan shall not be regarded as failing to comply*
11 *with the requirements of such title solely on the basis*
12 *of its failure to meet such additional requirements until*
13 *60 days after the close of the first regular session of the*
14 *State legislature that begins after the date of the enact-*
15 *ment of this Act.*

Amend the title so as to read "A bill to make permanent and improve the provisions of section 1619 of the Social Security Act, and for other purposes."





Calendar No. 955

99TH CONGRESS
2D SESSION

S. 2209

[Report No. 99-466]

A BILL

To make permanent and improve the provisions of section 1619 of the Social Security Act, which authorizes the continued payment of SSI benefits to individuals who work despite severe medical impairment; to amend such Act to require concurrent notification of eligibility for SSI and medicare benefits and notification to certain disabled SSI recipients of their potential eligibility for benefits under such section 1619; to provide for a GAO study of the effects of such section's work incentive provisions; and for other purposes.

SEPTEMBER 22 (legislative day, SEPTEMBER 15), 1986

Reported with an amendment and an amendment to the title